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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1554 (2004) of 29 July 2004, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2005. It provides an update of the situation in Abkhazia, Georgia, since my report of 18 October 2004 (S/2004/822).

2. My Special Representative for Georgia, Heidi Tagliavini, continued to head UNOMIG. She was assisted in this task by the Chief Military Observer, Major General Hussein Ahmed Eissa Ghobashi (Egypt). The strength of UNOMIG on 1 January 2005 stood at 117 military observers and 11 civilian police officers (see annex).

II. Political process

3. UNOMIG, led by my Special Representative, continued its efforts to maintain stability in the zone of conflict and promote the resumption of dialogue between the Georgian and Abkhaz sides, in particular on economic cooperation, the return of refugees and internally displaced persons and political and security matters, which were established as priority directions for the peace process during the United Nations-chaired high-level meetings of the Group of Friends held in Geneva on 17 and 18 February 2004 (see S/2004/315, paras. 5-7). The Group of Friends actively supported those efforts, the ultimate aim of which is to facilitate meaningful negotiations between the Georgian and Abkhaz sides on a comprehensive political settlement of the conflict using the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter (see S/2002/88, para. 3) as a starting point.

4. During the reporting period, the Abkhaz side remained preoccupied with internal political developments related to the self-styled presidential elections of 3 October 2004 and their outcome (see S/2004/822, para. 11). Following contradictory decisions by local authorities, tensions between followers of the two main contenders, Sergey Bagapsh and Raul Khadjimba, led to demonstrations and takeovers of public buildings. The situation was defused only when, on 6 December, the two candidates reached an agreement to run on a single ticket in a new "election", subsequently

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scheduled to take place on 12 January 2005. The agreement was signed by the two candidates, as well as the highest Abkhaz leadership and two visiting Russian officials. The Georgian side demonstrated restraint during the evolving complex situation in Sukhumi. However, it strongly protested visits by Russian officials to Sukhumi without prior notification to Tbilisi, as well as Russian involvement in the political developments there. Russian officials, in turn, explained that the involvement of the Russian Federation was aimed at preventing a possible armed conflict and creating conditions for solving the Georgian-Abkhaz conflict in the future.

5. Throughout this difficult period, my Special Representative stayed in close contact with the leadership of both sides, in particular in Sukhumi. There, she emphasized the need to avoid increasing instability within the conflict zone and to create conditions for the resumption of negotiations. She continued her efforts to encourage the Abkhaz side to resume, as a first step, its participation in both the weekly quadripartite meetings, which bring together the Georgian and Abkhaz sides, UNOMIG and the collective peacekeeping forces of the Commonwealth of Independent States (CIS), and the joint fact-finding group, which has the same participants. The Abkhaz side initially maintained its position that it was not ready to resume the peace process dialogue or to participate in related meetings, including in the so-called Sochi working groups, which are aimed at the implementation of agreements between the President of the Russian Federation and the President of Georgia reached in Sochi in March 2003 (see S/2003/412, para. 5), until the internal situation in Sukhumi was resolved and the international community had provided an assessment of the maritime incident of 30 July 2004 (see S/2004/822, paras. 8 and 9). Subsequently, on 16 December, the Abkhaz side, as a first encouraging sign, resumed its participation in the weekly quadripartite meetings and the joint fact-finding group. The Georgian side had asserted its continued readiness for dialogue during this period.

6. In order to maintain international support for her efforts to re-establish the dialogue between the parties and avoid slipping backwards in the peace process, my Special Representative maintained close and high-level contacts with the Group of Friends, both in Tbilisi and in the respective capitals, including in preparation for the high-level meeting of the Group of Friends to be held in Geneva on 13 and 14 December. In late October she met with the Group of Friends in New York in the margins of the Security Council consultations. During that period she also met, in Washington, D.C., with Steven Mann, Senior Adviser for Eurasia of the State Department of the United States of America. She met on 30 November in Berlin with Norbert Baas, Special Envoy for Russia, Central Asia and the Caucasus of the German Federal Foreign Office; on 1 December in Paris with Frederic du Laurens, Deputy Political Director of the French Ministry for Foreign Affairs; and on 2 December in London with Sir Brian Fall, Special Representative for the South Caucasus of the Government of the United Kingdom of Great Britain and Northern Ireland. My Special Representative also continued to maintain close contact with the Russian Federation in its capacity as both facilitator and member of the Group of Friends. She met on 19 November in Moscow with Valery Loshchinin, First Deputy Foreign Minister and Special Representative of the President of the Russian Federation for the Georgian-Abkhaz settlement, and Igor Ivanov, Secretary of the Security Council of the Russian Federation. She also held discussions with Ruud Lubbers, United Nations High Commissioner for Refugees, during his visit to the

region and Heikki Talvitie, the Special Representative of the European Union for the South Caucasus.

7. On 13 and 14 December, the high-level representatives of the Group of Friends convened in Geneva under the chairmanship of the Under-Secretary-General for Peacekeeping Operations. My Special Representative participated in the meeting, and the High Commissioner likewise participated in the discussion on refugee issues. At the meeting, the participants reviewed the state of the Georgian-Abkhaz peace process in the three priority areas of the Geneva process and the challenges to the process during the recent period. The Friends confirmed their strong support for my Special Representative and her efforts to bring the sides together and agreed that, as soon as the new leadership was formed in Sukhumi, those efforts should intensify. They stressed the need to prepare carefully for another Geneva meeting with the parties, tentatively planned for the spring of 2005. The United Nations will prepare a summary of proposals on security guarantees and related confidence-building measures for consideration by the parties. In this context, the Friends agreed that maritime security should be addressed as a priority. The Friends emphasized the importance of the return of refugees and internally displaced persons and acknowledged the key roles of UNOMIG and the Office of the United Nations High Commissioner for Refugees (UNHCR) in that regard. They agreed that work in the relevant Sochi working groups on rehabilitation of the Sochi-Tbilisi railroad and the Inguri power plant should continue; they appreciated the humanitarian and rehabilitation work carried out by UNOMIG and the United Nations Development Programme (UNDP) in the Gali and adjacent areas and welcomed the commitment of the European Union to finance economic projects for the benefit of the local population and returnees. Participants confirmed that their efforts would continue to be based on the relevant Security Council resolutions. They stressed that UNOMIG must be allowed to operate with the full cooperation of all sides in order to overcome the current obstacles and enable the Mission to fulfil its tasks unimpeded (see below).

III. Operational activities

8. During the period under review, UNOMIG continued to conduct regular patrolling of the security zone and the restricted weapons zone on both sides of the ceasefire line. The Abkhaz side restricted the Mission's freedom of movement on several occasions, in particular at the Psou River crossing on the Russian border, the Inguri bridge, which links the Gali and Zugdidi security zones, and the Sukhumi airport. UNOMIG protested those restrictions, including by a formal aide-memoire on 17 December. The Abkhaz side, however, insisted that the only way to ensure that such difficulties were not repeated was for UNOMIG to accept Abkhaz-issued accreditation cards for all Mission staff members. This adversely affected the Mission's operational capabilities and mandated activities; the restrictions were lifted in the second half of December 2004. Access to the Russian Federation is vital for UNOMIG for logistical and security reasons; the Mission has therefore submitted in advance a list of its staff members to the Russian authorities in order to avoid delays in the issuance of visas.

9. The weekly quadripartite meetings and the joint fact-finding group remained suspended owing to the absence of the Abkhaz side until 16 December 2004 (see para. 5 above). During this period, UNOMIG continued to meet regularly with the

CIS peacekeeping force and the Georgian side to discuss issues of mutual concern. In mid-December 2004, the quadripartite meetings and the joint fact-finding group resumed. Throughout the reporting period, UNOMIG continued to investigate sensitive incidents with a potential to destabilize the situation in the zone of conflict; five cases are currently under investigation by the joint fact-finding group, and two others have been completed and are awaiting the agreement of the parties before being closed.

Kodori Valley

10. UNOMIG continued negotiations to resume patrolling in the upper Kodori Valley, which remained suspended pending the provision of adequate security guarantees by the Georgian side. No patrolling was conducted in the lower Kodori Valley during the period under review either, owing to the inability of the Abkhaz side to guarantee security. Patrolling of both the upper and lower Kodori Valley will be resumed once acceptable security conditions have been ensured. The Mission's patrolling capacity in the Kodori Valley was strengthened with a donation by the Swiss Government of two vehicles for use in the Valley.

Gali sector

11. While the military situation in the Gali sector remained generally calm during the reporting period, criminality and lawlessness increased significantly in the lower Gali area. Tension increased following the killing of a local militia officer in early November. Compared with the same period in 2003, fewer killings were recorded, but robberies increased significantly, in particular in villages along the ceasefire line. Three abductions were reported.

Zugdidi sector

12. During the reporting period, the military situation in the Zugdidi sector was generally calm. Among criminal incidents, two killings and three robberies were reported. On 17 November, the Zugdidi police launched a special operation in the village of Khamiskuri to apprehend criminals. During the operation, a gun battle ensued during which a suspect was killed; a policeman and another criminal were injured in the same incident. The law and order situation continued to improve in the Zugdidi region, and local law enforcement agencies were becoming more responsive and accountable.

IV. Police

13. The UNOMIG civilian police component continued to operate on the Zugdidi side of the ceasefire line, where it maintained good cooperation with local law enforcement agencies. It also continued to provide input into the quadripartite meetings and investigations of the joint fact-finding group, including by providing forensic assistance. However, the refusal of the Abkhaz side to allow the deployment of civilian police on the Gali side continued to hamper cross-ceasefire

line cooperation, to hinder progress in criminal investigations and to limit the effectiveness of preventive anti-criminal efforts.

14. In line with its mandated tasks, the civilian police component conducted on-the-job training on human rights and law enforcement issues for police officers in the Zugdidi sector and continued to explore opportunities for providing basic training of local law enforcement officers abroad.

15. Following the donors' meeting of 19 April 2004 (see S/2004/570, para. 23), the European Union and the Government of Italy pledged financial contributions in support of the Mission's civilian police activities and the Government of Switzerland donated a consignment of police protective clothing and associated material; however, additional financial contributions and donations are urgently needed.

V. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

16. UNOMIG and the CIS peacekeeping force continued their close cooperation at all levels, including in their efforts to get the Abkhaz side to resume its participation in the quadripartite meetings and the joint fact-finding group. In addition, UNOMIG military observers and CIS troops conducted a joint patrol in the lower Gali district to ascertain the need for additional measures to counter the criminal threat against the local population. In view of the complex situation in Sukhumi, UNOMIG and the CIS peacekeeping force maintained regular contact and exchanges on staff security issues.

VI. Human rights and humanitarian situation

17. Protracted uncertainty in Abkhazia, Georgia, was not conducive to fostering a climate of stability, rule of law and respect for human rights. Adoption by the de facto Abkhaz Parliament of the long-overdue "criminal code" and "criminal procedure code" was further delayed. Restrictions on independent media, including the suspension of printing of three Abkhaz independent newspapers for various periods of time and the tightening of de facto governmental control of electronic and print media, resulted in serious violations of freedom of expression. In the Gali district, weak law enforcement continued to contribute to numerous cases of extortion, murder, robbery and abduction, generating a feeling of insecurity among local residents. Cases of arbitrary arrest, prolonged detention and lack of access to legal counsel were also observed.

18. Despite the unwillingness of the de facto Abkhaz authorities to allow the opening of a UNOMIG human rights sub-office in the Gali district, the Mission's human rights office in Sukhumi continued to promote the protection of human rights in the area and to support local non-governmental organizations (NGOs). The office continued to provide legal advisory services to local residents, monitor trials and pre-trial detention facilities and assist in implementing NGO projects. It continued, in partnership with local and international organizations, to facilitate and implement projects aimed at strengthening the NGO sector and building local capacity in the protection and promotion of human rights funded by the Office of the United

Nations High Commissioner for Human Rights, as well as projects financed by the Organization for Security and Cooperation in Europe, the European Commission and bilateral donors.

19. During the period under review, United Nations humanitarian and development agencies, including UNHCR, the United Nations Children's Fund, the United Nations Development Fund for Women, the United Nations Volunteers programme and the World Food Programme, continued to focus on the rehabilitation of schools, health care, small-scale income-generation projects and gender and peacebuilding activities. The UNDP Abkhazia recovery programme opened offices in Sukhumi and Gali (co-locating with UNOMIG and UNHCR) and carried out programme design missions for the agriculture sector and for potable water systems in the Gali, Ochamchira and Tkvarcheli districts.

20. Other international humanitarian agencies and NGOs, such as Acción contra el Hambre, Médecins sans frontières, the International Committee of the Red Cross, Première urgence and the HALO Trust, also continued to carry out programmes focusing on improvement of food security and housing, access to health and education, small business and community development, rehabilitation of basic infrastructure and services and demining. These programmes target the most vulnerable groups, mostly on the Abkhaz side of the ceasefire line.

21. UNOMIG continued to contribute to those efforts through its quick-impact projects. I note with appreciation the recent contribution from the Governments of Finland, the Netherlands and Switzerland to the UNOMIG trust fund from which the projects are funded and encourage other donors to do likewise. UNOMIG and the European Union are finalizing negotiations to secure funding of almost €4 million for a two-year programme of major rehabilitation in the health, education and electricity sectors.

VII. Financial aspects

22. By its resolution 58/303 of 18 June 2004, the General Assembly appropriated an amount of $33,539,200 (gross), equivalent to $2,799,100 per month, for UNOMIG for the period from 1 July 2004 to 30 June 2005. The assessment of those amounts is subject to a decision of the Security Council to extend the mandate of the Mission.

23. Should the Security Council decide to extend the mandate of UNOMIG beyond 31 January 2005, the cost of maintaining the Mission until 30 June 2005 would be limited to the monthly amounts approved by the General Assembly.

24. As at 30 November 2004, unpaid assessed contributions to the Special Account for UNOMIG amounted to $11.6 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2.4 billion.

VIII. Observations

25. The year 2004, in particular its second half, was not an easy one for the Georgian-Abkhaz peace process. While the parties came together during the course of the year on some substantive issues, efforts to advance a dialogue encountered

serious challenges. Renewed tension in the zone of conflict led to a chain of events that brought all contacts between the sides to a halt by mid-year and, over the past five months, the Mission's main efforts have focused on finding ways to re-establish the dialogue and avoid regression. The recent political uncertainty in Sukhumi seriously limited the possibility of continued dialogue. However, the high-level meeting of the Group of Friends, which took place on 13 and 14 December in Geneva, was a timely opportunity to reflect on the overall state of the peace process and to discuss how best to address the challenges to the pursuit of a lasting and comprehensive solution to the conflict, which should be based on the relevant Security Council resolutions and should ultimately address the core issue of the conflict — the political status of Abkhazia within the State of Georgia. The support of the Group of Friends remains invaluable for the efforts of my Special Representative and is much appreciated.

26. Maintenance of stability and resumption of dialogue between the parties remain key to achieving progress towards a settlement. It is to be hoped that the political situation in Sukhumi will stabilize shortly and that dialogue in the established priority areas — economic cooperation, the return of refugees and internally displaced persons and political and security matters — will resume and be underpinned by relevant confidence-building measures. I remain convinced that UNOMIG continues to play a key role in preventing instability on the ground and in promoting a political settlement of the conflict. Therefore, I recommend that the mandate of UNOMIG be extended for a new period of six months, until 31 July 2005.

27. The Abkhaz side should continue to ensure that UNOMIG is able to continue to fulfil its mandated tasks unhampered. Freedom of movement, including entry and exit, for United Nations personnel must be respected by all sides.

28. The security of United Nations personnel remains a major concern. I urge both sides to ensure the safety of UNOMIG at all times and to identify and bring to justice the perpetrators of criminal acts, including those responsible for the ambush of a UNOMIG bus in Sukhumi in September 1998, the shooting down of a UNOMIG helicopter in the Kodori Valley in October 2001 and the various hostage-taking incidents. Resumption of regular patrolling in the Kodori Valley remains an essential part of the UNOMIG mandate and its implementation will be facilitated by effective action and cooperation between the sides on security-related matters.

29. In conclusion, I would like to pay tribute to the untiring efforts and perseverance of my Special Representative to achieve a lasting and mutually acceptable solution to the conflict. I would also like to commend the Chief Military Observer and all the men and women of UNOMIG, who continue to carry out their duties with courage and commitment in an often difficult and hazardous environment.

Annex

Countries providing military observers and civilian police personnel (as at 1 January 2005)

Country	*Military observers*
Albania	3
Austria	2
Bangladesh	7
Czech Republic	5
Denmark	4
Egypt[a]	5
France	3
Germany	12
Greece	5
Hungary	7
Indonesia	4
Jordan	8
Pakistan	8
Poland	6
Republic of Korea	7
Russian Federation	3
Sweden	2
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**117**

[a] Including the Chief Military Observer.

Country	*Civilian police personnel*
Germany	4
Hungary	2
Poland	1
Russian Federation	1
Switzerland	3
Total	**11**

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Department of Peacekeeping Operations
Cartographic Section